

**BEFORE THE PLANNING  
COMMISSION FOR  
THE CITY OF BEAVERTON,  
OREGON**

**After recording return to:**  
City of Beaverton, City Recorder:  
4755 SW Griffith Drive  
P.O. Box 4755  
Beaverton, OR 97076

IN THE MATTER OF A REQUEST FOR ) ORDER NO. 1784  
APPROVAL OF A CONDITIONAL USE FOR A ) CU2004-0021 ORDER APPROVING REQUEST  
15-LOT PLANNED UNIT SUBDIVISION ) WITH CONDITION.  
(GARDEN GROVE PUD). CES-NW, )  
APPLICANT. )

This matter came before the Planning Commission on January 5 and February 16, 2005, on a request for Conditional Use approval for a 15-Lot Subdivision and Planned Unit Development (PUD) to include detached dwellings. The proposed site is located at 6600 block of SW Canby Street, and is more specifically described as Tax Lot 301 on Washington County Assessor's Map 1S1-24DA.

Pursuant to Ordinance 2050 (Development Code), Sections 50.15.2 and 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal. At the January 5, 2005 hearing, staff had recommended Denial of the CU/PUD and LD applications due to the applicant's proposal not meeting the 20 percent open space requirement of the Code. During that hearing, the applicant clarified that the Flexible Setback (FS) request had been proposed solely to seek relief from

the PUD open space area calculation method and was not needed for any other purpose and subsequently staff changed its Flexible Setback recommendation from Approval to Denial. At the January 5, 2005 hearing the applicant requested a continuance and so that the applicant could consider the Commission's concerns and revise the PUD and subdivision layout. The Commission set a public hearing for February 16, 2005, with the applicant agreeing to a waiver of the 120 day decision deadline, accommodating the 42 day continuance.

The Commission adopts the following supplemental findings in support of the final action, in response to key issues raised at the hearing, as identified herein.

At the hearing of January 5, 2005, the Commission deliberated and concluded that the proposal to reduce the PUD's 20 percent minimum open space requirement, by approving a Flexible Setback request (FS 2004-0017), would not meet the Code standard and purpose of PUD's by failing to provide 20 percent minimum open space excluding required setback areas. The Commission also determined that the proposal for narrow strips of open space between some lots also did not meet the purpose for the required open space. The Commission, at the hearing of February 16, 2005, determined that the applicant's revised plan, showing the 20 percent open space and the size and location of three open space tracts, met the Development Code's purpose of open space in PUD's.

The applicant provided a draft document of the Conditions, Covenants & Restrictions (CC&R's) and a preliminary list of future Homeowners Association (HOA) maintenance responsibilities and estimated payment dues, responding to a request by the Commission that the matter of private maintenance be given close attention in order to meet the intent of Facilities Review Criterion No. 5 of Section 40.03 of the Development Code, with respect to subdivisions and residential PUD's with private streets and open space tracts. In addition, the applicant provided a list of all lot sizes and building setbacks for each lot in order to provide the Commission with information on the lots and expected future building locations (Garden Grove Lot Analysis: dated February 14, 2005). The applicant stated that the flexible setback application no longer served a purpose, and was thereby withdrawn.

In public testimony, Ms. Susan Greer provided comment about the historical development of the Garden Home-Maplewood area, noting the area's early large lot residential development pattern. Ms. Greer also noted that in her opinion, because the internal building setbacks would allow homes to be constructed very close together and house locations are shown to be aligned evenly in a row, that the Garden Grove houses could have a barracks-like appearance, unlike homes in the surrounding area which are spaced farther apart. Ms. Greer also indicated that she felt that auto traffic in the area was already congested in the area, particularly on SW Canby

Street, and that a traffic analysis should have been required by the City, but was not.

The Commission noted that with internal setbacks proposed at three (3) feet from property lines, that houses could be as close as six (6) feet apart. Sec. 60.50.15.1 of the Code allows eaves and similar architectural features to extend up to two (2) feet provided that other standards, such as Building Code standards are met. Therefore, eaves from two adjacent houses could potentially be as close as two (2) feet apart. On this matter the Commission concluded that building and fire codes are adequate to determine the minimum spacing of buildings internal to the PUD and that externally the perimeter setbacks of the PUD either meet or exceed the minimum Development Code setback standards for the R-7 zone. Therefore, building setbacks along abutting properties would equal or exceed the distance and amount of visual buffer between homes, as perceived from neighboring properties that would be expected with a non-PUD subdivision in the R-7 zone.

In response to the comments by Ms. Greer, the Commission concluded that the applicant's proposal provides single-family detached homes and open space tracts abutting existing single-family detached house lots, which typically ensures the greatest amount of compatibility these dwellings. Furthermore, the applicant is bound by the minimum residential density standards of the Code and so must provide a minimum of 11 lots and a maximum of 17 lots. Although one Commissioner stated at the January 5,

2005 hearing that in order to meet the 20 percent open space requirement the applicant should consider deleting a lot, the Commission conclude that no evidence has been provided showing that deleting one or more lots would result in a better site layout or otherwise prove beneficial to the neighborhood. The Commission concluded that the proposed Subdivision and PUD layout, as amended by the applicant and as conditioned in this approval, meets all of the Code criteria, providing single-family detached homes, adequate open space and setbacks, and would therefore provide reasonable compatibility with its surroundings.

In response to Ms. Greer's concern about traffic, the subdivision is too small to meet the Code threshold for requiring a traffic analysis. SW Canby Street is designated as a "Neighborhood Route" which is intended for greater traffic use in comparison to a "local street". Furthermore, there has been no authoritative evidence presented by testimony that would counter the staff report's finding that the traffic impact generated by Garden Grove would have no more than a minimal effect upon surrounding streets.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the findings of the Staff Report dated January 5, 2005, except as amended by the Staff Memorandum dated February 9, 2005, which concluded that the reason for staff's recommendation for Denial was due to the applicant's original proposal not meeting the 20 percent open space PUD requirement. Now that the applicant has amended the CU/PUD application to meet the open space

requirement of the Development Code, the Commission provide the supplemental findings contained herein, and conclude that the approval criteria contained in Sections 40.03 and 40.15.15.6.C of the Development Code have now met, with conditions.

At the February 16, 2005 hearing, three members of the Commission commented that, although the application met the Development Code CU/PUD criteria for approval, the PUD proposal was not particularly creative in its design and layout and did not provide the amenities that they have in mind when they consider the best PUD developments in the City. The three Commission members indicated that PUD development standards may need to be addressed through a future Development Code text amendment; but as proposed, the Garden Grove PUD meets all of the Code criteria for approval. A majority of the Commission did not provide additional comments.

**IT IS HEREBY ORDERED** that CU2004-0021, as amended, is approved based on the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts and findings and conclusions found in the Staff Report dated January 5, 2005, the conclusions found in the memorandum dated February 9, 2005, and the supplemental findings found herein. There are no conditions of CU approval, as it was concluded that necessary conditions for the development were appropriately placed upon the approval of the associated Garden Grove land division, LD 2004-0030.

Motion **CARRIED** by the following vote:

**AYES:** Pogue, Bliss, Barnard, DeHarpport, Winter, and  
Johansen.

**NAYS:** None.

**ABSTAIN:** Maks.

**ABSENT:** None.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

To appeal the decision of the Planning Commission, as articulated in  
Land Use Order No. 1784, an appeal must be filed with the City of Beaverton  
Recorder's Office by no later than 5:00 p.m. on \_\_\_\_\_,  
2005.

PLANNING COMMISSION  
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

\_\_\_\_\_  
JOHN OSTERBERG  
Senior Planner

\_\_\_\_\_  
ERIC H. JOHANSEN  
Chairman

\_\_\_\_\_  
STEVEN A. SPARKS, AICP  
Development Services Manager